

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
May 15, 2014**

PRESENT: Kelly Brown; John Church, D.C.; Jodi Griffith, D.C.; Jeffrey Mackey, D.C.; and Patricia Schumacher, D.C.

STAFF: Tom Ryan, Executive Director; Gretchen Mrozinski, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

CALL TO ORDER

Patricia Schumacher, Chair, called the meeting to order at 8:31 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to approve the minutes of March 6, 2014 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

**AFFIRM APPOINTMENT OF JEFFREY MACKEY AS PROFESSIONAL ASSISTANCE
PROCEDURE (PAP) LIAISON**

MOTION: Jodi Griffith moved, seconded by Kelly Brown, to affirm the Chair's appointment of Jeffrey Mackey as the Professional Assistance Procedure (PAP) Liaison. Motion carried unanimously.

CHIROPRACTIC EXAMINING BOARD 2013 ANNUAL REPORT

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to adopt the 2013 Annual Report, and to post it to the Board website. Motion carried unanimously.

REVIEW OF DISCIPLINARY COMPLAINT HISTORY FROM 2010-2013

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to post the Disciplinary Complaint History 2010-2013 Report on the Board's internal SharePoint site. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

REVIEW OF CONTINUING EDUCATION DENIALS AND DISCUSSION OF COURSE REVIEW PROCESS

MOTION: Kelly Brown moved, seconded by Jodi Griffith, to appoint Kelly Brown and Patricia Schumacher as Liaisons to work with Department staff to revise the Continuing Education Approval Form to clarify delegation requirements and other issues. Motion carried unanimously.

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to designate Patricia Schumacher as the primary Exams, Education, and Continuing Education Liaison, with Jeffrey Mackey as the alternate, and to authorize the primary liaison to consult with one other member of the Board as necessary. Motion carried.

Jodi Griffith voted no in the above matter.

John Church abstained from voting in the above matter.

MOTION: Patricia Schumacher moved, seconded by Kelly Brown, to rescind the March 17, 2014 denial of Continuing Education approval for Northwestern Health Sciences University's Certified Chiropractic Technician Advanced Modalities Course. Motion carried.

Jodi Griffith voted no in the above matter.

John Church abstained from voting in the above matter.

MOTION: Patricia Schumacher moved, seconded by Kelly Brown, to grant Continuing Education approval for Northwestern Health Sciences University's Certified Chiropractic Technician Advanced Modalities Course. Motion carried.

Jodi Griffith voted no in the above matter.

John Church abstained from voting in the above matter.

DISCUSSION OF PROCESS FOR REVIEWING REQUESTS FOR APPROVAL OF CT/CRT CERTIFICATION COURSES AND PROGRAMS

MOTION: Jeffrey Mackey moved, seconded by John Church, to authorize the Department to prepare a Scope Statement to draft and revise rules relating to the "course of study" requirement for certification as a Chiropractic Technician or Chiropractic Radiological Technician, and to delegate Jodi Griffith to review and approve the Scope Statement. Motion carried unanimously.

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to require that applications for course of study approvals for Chiropractic Technicians and Chiropractic Radiological Technicians be presented before the full Board indefinitely. Motion carried unanimously.

CHIROPRACTIC SOCIETY OF WISCONSIN (CSW) REQUEST FOR APPROVAL OF CHIROPRACTIC TECHNICIAN (CT) CERTIFICATION COURSES

CSW CT: PHYSIOLOGIC THERAPEUTICS OVERVIEW

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Physiologic Therapeutics Overview. Motion carried unanimously.

John Church abstained from voting in the above matter.

CSW CT: ELECTRIC STIMULATING CURRENTS

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Electric Stimulating Currents. Motion carried unanimously.

John Church abstained from voting in the above matter.

CSW CT: ULTRASOUND

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Ultrasound. Motion carried unanimously.

John Church abstained from voting in the above matter.

CSW CT: CRYOTHERAPY/THERMOTHERAPY

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Cryotherapy/Thermotherapy. Motion carried unanimously.

John Church abstained from voting in the above matter.

CSW CT: LIGHT THERAPY

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Light Therapy. Motion carried unanimously.

John Church abstained from voting in the above matter.

CSW CT: TRACTION THERAPY

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Traction Therapy. Motion carried unanimously.

John Church abstained from voting in the above matter.

CSW CT: VITAL SIGNS

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Vital Signs. Motion carried unanimously.

John Church abstained from voting in the above matter.

REVIEW OF HERZING UNIVERSITY'S APPLICATION FOR PROGRAM APPROVAL – ASSOCIATE DEGREE IN CHIROPRACTIC RADIOLOGICAL TECHNICIAN

MOTION: John Church moved, seconded by Jeffrey Mackey, to grant the Request for Program Approval, as written, for Herzing University's Associate of Science in Chiropractic Technician (ASCT) Program and Diploma in Chiropractic Technician (DCT) Program as a Chiropractic Radiological Technician course of study approved by the Board for purposes of Wis. Stat. § 446.025 and related rules. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS:

2013 WISCONSIN ACT 345 – REVIEW OF SCOPE STATEMENT, RELATING TO INFORMED CONSENT

MOTION: Jeffrey Mackey moved, seconded by John Church, to approve the Scope Statement regarding CHIR 11.02 relating to informed consent for submission to the Governor's Office and publication in the register, and to authorize the Chair to approve the Scope for implementation no less than 10 days after publication. Motion carried unanimously.

REVIEW OF OTHER STATES' LAWS CONCERNING RULES OF CONDUCT IN THE WORKPLACE ENVIRONMENT

MOTION: John Church moved, seconded by Jodi Griffith, to defer discussion on this matter to the next Board meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: John Church moved, seconded by Jodi Griffith, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kelly Brown - yes; John Church - yes; Jodi Griffith - yes; Jeffrey Mackey - yes; Patricia Schumacher - yes. Motion carried unanimously.

The Board convened into Closed Session at 2:02 P.M.

RECONVENE TO OPEN SESSION

MOTION: John Church moved, seconded by Jodi Griffith, to reconvene in Open Session at 3:02 P.M. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS, AND ORDERS

11 CHI 026 AND 12 CHI 027

RONALD A. FISCHER, D.C.

MOTION: Jeffrey Mackey moved, seconded by John Church, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order, in the matter of 11 CHI 026 and 12 CHI 027 – Ronald A. Fischer, D.C. Motion carried.

Kelly Brown voted no in the above matter.

APPLICATION MATTERS

MOTION: Jodi Griffith moved, seconded by John Church, to grant the request of Matthew E. Hasty for licensure by endorsement when all other requirements for licensure are met. Motion carried unanimously.

MOTION: Jeffrey Mackey moved, seconded by John Church, to grant Amy A. Ernest certification as a Chiropractic Technician in Patient History and Physical Examination when all other requirements for licensure are met. Motion carried unanimously.

MOTION: Kelly Brown moved, seconded by Jodi Griffith, to deny Tina L. Green certification as a Chiropractic Technician. **Reason for Denial:** Conviction for forgery in 2012 is substantially related to the practice of Chiropractic Technician. Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by John Church, to grant Christopher S. Kazda certification as a Chiropractic Technician in Patient History, Physical Examination, Physiologic Therapeutics Overview, Thermotherapy/Cryotherapy, Mechanical Therapy, Electrotherapy, and Therapeutic Ultrasound Therapy when all other requirements for licensure are met. Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by Kelly Brown, to grant Ryan A. Norton certification as a Chiropractic Technician in Physiologic Therapeutics Overview, Thermotherapy/Cryotherapy, Mechanical Therapy, Electrotherapy, Therapeutic Ultrasound Therapy, and Light Therapy when all other requirements for licensure are met. Motion carried unanimously.

CASE CLOSING(S)

MOTION: Jeffrey Mackey moved, seconded by John Church, to close case 10 CHI 053, against S.P., for prosecutorial discretion (P3). Motion carried unanimously.

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to close case 11 CHI 052, against B.H., for insufficient evidence (IE). Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Jeffrey Mackey moved, seconded by John Church, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Jodi Griffith moved, seconded by Kelly Brown, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: John Church moved, seconded by Kelly Brown, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:04 P.M.